

****Title:** Arthur A. Candelario vs. Marlene E. Candelario and the Office of the Solicitor General******

****Facts:****

- Arthur A. Candelario (Arthur) and Marlene E. Candelario (Marlene) were married on June 11, 1984, and had one child born on May 14, 1985.
- Marlene moved to Singapore in October 1987 to work as a domestic helper, leaving the child under Arthur's care.
- Arthur started frequenting nightclubs and entered into a relationship with another woman.
- Marlene returned to the Philippines in October 1989, discovered Arthur's affair, and separated from him. She took their child, who was subsequently raised by Marlene's sister and parents.
- Arthur continued to live with his new partner and had four children with her.
- Over 20 years later, Arthur filed a Petition for Declaration of Nullity of their marriage in the RTC of San Jose, Antique, citing his psychological incapacity.
- The trial court found Arthur psychologically incapacitated but denied the petition because the marriage occurred before the Family Code's effectivity.
- Arthur's motion for reconsideration was denied, prompting him to file a Petition for Review on Certiorari in the Supreme Court.

****Issues:****

1. Whether Article 36 of the Family Code, which allows for the declaration of nullity of marriage due to psychological incapacity, can be retroactively applied to marriages solemnized before its effectivity on August 3, 1988.

****Court's Decision:****

- ****Retroactivity of Article 36:****

- The Court disagreed with the RTC's conclusion that Article 36 could not apply retroactively to marriages before the Family Code's effectivity.
- The Family Code's provisions, including Article 36, are given retroactive effect as per Article 256, provided they do not prejudice vested or acquired rights.
- The Court emphasized that several precedents allowed the application of Article 36 to marriages before the Family Code's effectivity.
- There was no evidence Marlene's vested rights would be prejudiced, and thus, the retroactive application of Article 36 was applicable.

- ****Psychological Incapacity:****

- Despite the RTC's initial finding of Arthur's psychological incapacity, the Supreme Court demanded adherence to the standards set in *Tan-Andal v. Andal*.
- Psychological incapacity must be so severe, ingrained, and enduring that it is impossible for a spouse to fulfill the essential obligations of marriage.
- The Court found Dr. Chua-Daquilanea's psychiatric evaluation insufficient in proving Arthur's psychological incapacity. The evaluation lacked detailed personal history and evidence proving the incapacity's gravity, incurability, and juridical antecedence.

****Doctrine:****

1. ****Retroactivity of Family Code Provisions:**** Article 36 of the Family Code can apply retroactively to marriages celebrated before its effectivity as long as it does not prejudice vested or acquired rights.
2. ****Standards for Psychological Incapacity:**** The psychological incapacity must be established with clear and convincing evidence, showing it as grave, incurable, and existing before the marriage.

****Class Notes:****

- ****Key Elements of Psychological Incapacity:****
- ****Grave:**** The incapacity must result in inability to perform essential marital obligations.
- ****Juridical Antecedence:**** The incapacity existed before the marriage.
- ****Incurable:**** The incapacity is permanent or lasting.

- ****Applicability of Article 36 retroactively:**** Based on Family Code provisions and judicial precedents, Article 36 can apply to marriages before August 3, 1988.

- ****Evidence Required:**** Personal and direct testimonies or expert opinions that convincingly establish the enduring and severe nature of the incapacity.

****Historical Background:****

- The case examines the retroactivity of the Family Code and its provisions on psychological incapacity, reflecting evolving judicial interpretations and the integration of psychological insights in marital laws. The decision builds on the historical context of the 1987 Family Code, addressing gaps from the preceding Civil Code of the Philippines. This notably includes harmonizing civil laws with canonical laws concerning marriage annulments, reflecting societal and legislative progress in understanding marriage and psychological health.